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**From:** Saenz, Diana [Saenz.Diana@epa.gov]  
**Sent:** 12/18/2018 3:00:44 PM  
**To:** Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Greg [Sullivan.Greg@epa.gov]; Miles, James [miles.james@epa.gov]; Crossland, Andy [Crossland.Andy@epa.gov]  
**Subject:** Fwd: FYI - upcoming RCRA Air judicial settlement/ R5 BES-KRH (Tier Environmental facility)  
**Attachments:** BES-KRH case briefing sheet V 12-10-2018 (002).docx; ATT00001.htm

Rosemarie-

Is this good to go to Susan?  
WCED can forward directly.

Thank you  
Diana

Sent from my iPhone

Begin forwarded message:

**From:** "Saenz, Diana" <Saenz.Diana@epa.gov>  
**Date:** December 12, 2018 at 4:10:29 PM EST  
**To:** "Kelley, Rosemarie" <Kelley.Rosemarie@epa.gov>, "Sullivan, Greg" <Sullivan.Greg@epa.gov>, "Miles, James" <miles.james@epa.gov>, "Crossland, Andy" <Crossland.Andy@epa.gov>  
**Subject:** FYI - upcoming RCRA Air judicial settlement/ R5 BES-KRH (Tier Environmental facility)

Rosemarie –

We have an FYI briefing sheet for Susan on an upcoming judicial RCRA air settlement with BES-KRH, new owners of the Tier Environmental facility in Region 5.  
Would you like to send? Draft email below.

Also - The Region/ DOJ do not plan to do press because this is a settlement with a new owner.

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Susan,

Region 5 is close to settling the Tier Environmental case, with the new facility owners known as BES-KRH. We briefed you on this case in January 2018 when it looked like DOJ would potentially file early this year against Tier. We wanted to share with you the attached briefing sheet summarizing the case, as a head-up of an upcoming settlement. The case falls under the RCRA Air National Compliance Initiative and, as we saw with the Region 1 Tredebe case, has some intersection with the CAA "once-in-always-in" policy. The state of Ohio pursued past RCRA violations against Tier, but is not authorized for the RCRA Air regulations so referred that portion of the case to EPA. This settlement covers RCRA Air violations with the new owners of the facility, BES-KRH.

The proposed Consent Decree requires BES-KRH to obtain a RCRA permit and comply with the Subpart BB and CC regulations, as well as with Subpart AA should the companies restart processes that use equipment subject to those regulations. It also requires them to estimate HAP emissions to determine

whether the new owners will require a Title V permit for future operations, which we believe the previous owners should have had in place.

Please let us know if you would like any additional information or briefing on the proposed settlement or if the Region and DOJ can proceed to signing.

Rosemarie

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